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REMARKS

Claims 1-8 and 10-13 are pending in this application. Claims 1, 11 and 12 are independent.

All claims stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over US Patent Number 6,377,987, issued to James E. Kracht on February 4, 2003 (hereafter "Kracht") in view of US Patent Number 6,976,087, issued to Ronald L. Westfall *et al.* on December 13, 2005 (hereafter "Westfall").

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 and 10-13 stand rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Kracht in view of Westfall. Applicants respectfully traverse this rejection.

In order for a claim to be rejected by Kracht and Westfall under 35 USC § 103(a), Kracht and Westfall must contain each and every element found in the claim.

However, neither Kracht nor Westfall address endstation type network devices on the other side of an undiscovered connecting device, as is required by claims 1, 11, and 12. The office action states that:

Kracht fails to explicitly teach if the type of each discovered network device on the branch is determined to be an endstation type, inferring that an undiscovered connecting device is present on the branch; and if the type of at least one discovered network device on the branch is not an endstation type, leaving the topology of the branch unresolved. However, Westfall et al teach

However, Westfall does not disclose the use of endstation types devices. Instead, Westfall addresses the discovery of customer network clouds on opposite ends of a Core Network Cloud. See Westfall Figure 12 and the discussion in column 26 lines 14-55.

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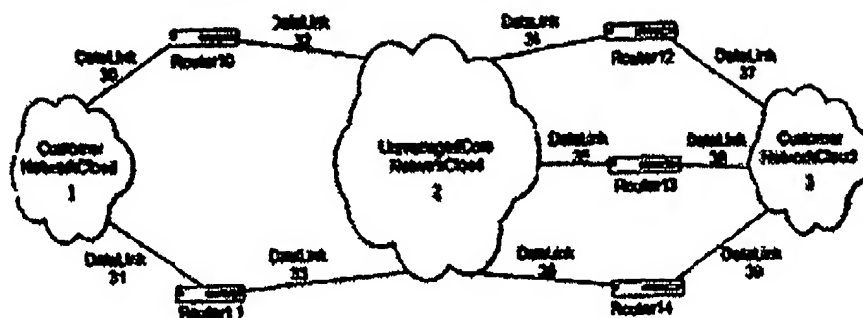


FIG.12

Westfall is addressing the situation where a network comprises two LANs connected by an unmanaged WAN, and creating a database of both LANs and their network devices without knowledge of the structure of the WAN. This is distinct from the Applicants claims of building a network tree including end devices connected off of the unresolved portion of the network, as can best be seen (without limitation upon the claims) in Applicants Figure 2.

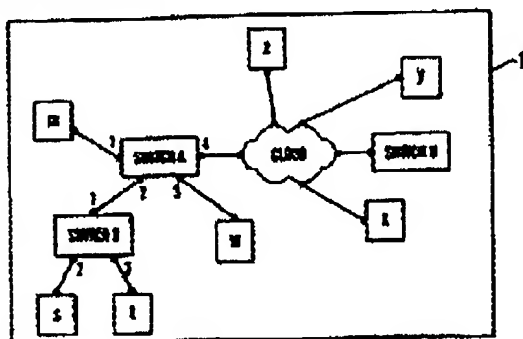


Fig.2

The Wesfall patent does create some confusion with its discussion of "endpoints" throughout its specification. However, the endpoints in Westfall are network elements, such as routers. This can be seen in the Abstract ("Network

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elements at endpoints of a data connection are identified"), at column 14 lines 53 through 55, ("The result of the comparison will be a set of one or more routers that in one embodiment act as the endpoint of the data connection channel"), column 14 lines 64 to 66 ("endpoint routers"), column 15 lines 22 to 24 ("endpoint routers") and at column 26 lines 40 through 44. The Westfall endpoint is very different from the Applicant's "endstation". Applicant's endstation is defined in paragraph [0043] as "e.g. a UNIX workstation, PC, printer, or other non-connecting network device".

Because of this difference between Kracht, Westfall and the present application, withdrawal of the rejection of claims 1, 11, and 12 pursuant to 35 U.S.C. § 103(a) is requested.

Claims 2-8, 10, and 13 depend upon independent claims 1 or 12 and contain the same limitations from the independent claims. As such, withdrawal of the rejection of these claims is also requested.

CONCLUSION

The pending claims define subject matter that is not described by the combination of Kracht with Westfall. The application is in condition for allowance. Applicants respectfully request prompt issuance of this application.

The commissioner is authorized to charge deposit account 503650 for any fees associated herein.

Respectfully submitted,



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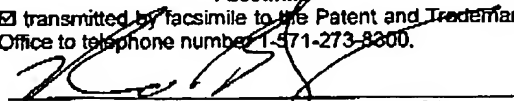
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Date: February 21, 2006